

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

APRIL 4, 2007
7:30 P.M.

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, April 4, 2007 at 7:30 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairman David Collins, John Jackson, Richard Taylor, Susan Krumholz, Lise Geisheidt, Michael Fairhurst (alternate), and Raymond LaFazia (alternate)

Also present were: Peter Ruggiero, Town Solicitor, Mary Ann Escobar, Court Reporter, and Gareth Eames, Building Inspector

1. An appeal has been filed by John and Eileen Moran, et al appealing a decision of the Building Official to issue a permit dated September 14, 2006 regarding 58 Riverside Drive, Tiverton being Block 70 Card 5 on Tiverton Tax Assessor's Maps and located in an R-40 district.

DECISION: Chairman David Collins recused himself from this petition. The Board went into Executive Session to deliberate on this appeal. Ms. Geisheidt made a motion to affirm the decision of the building inspector based on the fact the trailer was a temporary structure and that the building code allows the discretion for temporary structures and that clearly the yacht club is still in operation and there is a need for bathroom facilities that can be used by the members that have continued to use the pool and the services of the marina area. As far as it being a nuisance, the nine times in which the trailer will be pumped is not a nuisance; given the character of the neighborhood there is warehouses and fish markets and everything, and low tide that may set off an obnoxious smell. Based on all those circumstances, the decision of the building inspector was reasonable and should be affirmed. Mr. Taylor seconded. The vote was unanimous. Voting were: Vice Chairman John Jackson, Richard Taylor, Susan Krumholz, Lise Geisheidt, and Michael Fairhurst.

2. An appeal has been filed by John & Eileen Moran et al appealing a decision of the Building Official to issue a building permit for a new yacht club structure dated December 1, 2006 at 58 Riverside Drive, Tiverton RI being Block 70 Card 5 on Tiverton Tax Assessor's maps and located in a R40 zone.

DECISION: Chairman David Collins recused himself from this petition. Mr. Ruggiero stated for the record the town attorney that would be representing Mr. Eames couldn't attend tonight. They had a scheduling conflict and they have asked for a continuance. Mr. Ruggiero contacted the attorneys for the parties tonight and informed them of that and none of the attorneys objected to the

request for the continuance and he suggested for the parties to perhaps schedule one or two nights for a special meeting on this subject due to the length of
Zoning Board of Review, April 4, 2007 - Page 2

testimony which will be expected on this matter. Mr. Taylor made a motion to continue until the nights of May 2 and May 3. Ms. Krumholz seconded. The vote was unanimous. Voting were: Vice Chairman John Jackson, Richard Taylor, Susan Krumholz, Lise Geiseidit, and Michael Fairhurst.

3. An appeal has been filed by David M & Kathleen Campbell appealing a decision of the Building Official to issue a building permit for a new yacht club structure dated December 1, 2006 at 58 Riverside Drive, Tiverton RI being Block 70 Card 5 on Tiverton Tax Assessor's maps and located in a R40 zone.

DECISION: Chairman David Collins recused himself from this petition. Mr. Ruggiero stated for the record the town attorney that would be representing Mr. Eames couldn't attend tonight. They had a scheduling conflict and they have asked for a continuance. Mr. Ruggiero contacted the attorneys for the parties tonight and informed them of that and none of the attorneys objected to the request for the continuance and he suggested for the parties to perhaps schedule one or two nights for a special meeting on this subject due to the length of testimony which will be expected on this matter. Mr. Taylor made a motion to continue until the nights of May 2 and May 3. Ms. Krumholz seconded. The vote was unanimous. Voting were: Vice Chairman John Jackson, Richard Taylor, Susan Krumholz, Lise Geiseidit, and Michael Fairhurst.

4. A petition has been filed by South Shore Tiverton, LLC; Robert P. Barrile of 413 Bulgarmarsh Road, Tiverton, RI requesting a variance to Article XIV Sections 4 & 5a and Article V Section 1 in order to demolish an existing commercial structure and replace it with a modular commercial structure and change a temporary structure to a permanent structure located at 413 Bulgarmarsh Road, Tiverton, RI being Block 117 Card 30 on Tiverton Tax Assessor's maps expanding a legal non conforming use and exceeding the height limit allowed in a R40/R80 zone.

DECISION: Mr. Barrile appeared before the Board and requested a continuance based on the fact he is obtaining legal representation and they did not have enough time to go over the minutes from the last meeting. Mr. Jackson made a motion to continue until the June 6, 2007 meeting. Mr. Taylor seconded. The vote was unanimous. Voting were: Chairman David Collins, John Jackson, Richard Taylor, Susan Krumholz, and Lise Geiseidit.

5. A petition has been filed by Randy & Holly Lebeau of 3 Craig Avenue, Tiverton, RI requesting a variance to Article V Section 1 of the Tiverton Zoning Ordinance in order to construct a new single family dwelling on the south side of Trailer Avenue, Tiverton, RI being Block 45 Card 86 on Tiverton Tax Assessor's Maps closer to the front yard setback than is currently allowed in a R30 zone.

DECISION: Mr. Randy Lebeau appeared before the Board and stated his petition is for a deck on the new house to be 10 feet closer to the road or to the property line. Right now the zoning is 30 feet and he's looking for 20 feet and the reason being is the way the house sits he can't fit a deck on the front of the house because of the size of the lot. Mr. Lebeau presented pictures to the Board to demonstrate the neighbors' houses and the landscape of the neighborhood. He stated it would not offset any other properties in the area. He also explained that he actually rotated and shifted his house to offset the amount of encroachment of his porch. The total area will roughly be 58 square feet that's going to stick over. Ms. Krumholz made a motion to grant the variance to allow construction of the porch that is in the setback, that special conditions exist that are peculiar to this house so that there is no place else for them to put this porch where they would have a means of accessing the porch, that it's the minimum relief that can be granted to accommodate the situation and that it doesn't do anything to negatively impact the surrounding neighborhood. Mr. Jackson seconded. The vote was unanimous. Voting were: Chairman David Collins, John Jackson, Richard Taylor, Susan Krumholz, and Lise Geisheidt.

Administrative Items: Mr. Taylor made a motion to approve the minutes from the March 7 meeting. Ms. Krumholz seconded. The vote was unanimous. Voting were: Chairman David Collins, John Jackson, Richard Taylor, Susan Krumholz, and Lise Geisheidt.

Ms. Krumholz made a motion to adjourn. Mr. Jackson seconded. The vote was unanimous. Voting were: Chairman David Collins, John Jackson, Richard Taylor, Susan Krumholz, and Lise Geisheidt.

Whereupon the meeting ended at 8:13 p.m.

ZBR: mae

CERTIFICATE

I, Mary Ann C. Escobar, Registered Professional Reporter, and Commissioner for the State of Rhode Island, do hereby certify that the foregoing pages 1 through 3 are complete, true and accurate to the best of my knowledge, skill & ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 19th day of April, 2007.

Mary Ann C. Escobar, RPR

My Commission expires: August 16, 2011